

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

NETLIST, INC.

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA, INC.
and SAMSUNG SEMICONDUCTOR, INC.,

Defendants.

Civil Case No. 2:21cv463-JRG

JURY TRIAL DEMANDED

**SAMSUNG’S RENEWED MOTION TO STAY
AND NOTICE OF SUPPLEMENTAL AUTHORITY**

Defendants Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung Semiconductor, Inc. (collectively, “Samsung”) filed a motion on August 30, 2022, asking the Court to stay this case pending the resolution of the Ninth Circuit appeal regarding Samsung’s license to the asserted patents and the resolution of *inter partes* review (IPR) of the asserted patents. Dkt. No. 74. On January 19, 2022, when the Patent Trial and Appeal Board (PTAB) had instituted IPR of four of the six patents in this litigation, this Court denied Samsung’s motion. Dkt. No. 195.

Samsung now submits this Renewed Motion To Stay and Notice of Supplemental Authority to notify the Court that, just hours ago, ***the PTAB instituted IPR of all asserted claims of the remaining two asserted patents***. All asserted claims of all asserted patents are now subject to IPR. For completeness, Samsung hereby attaches copies of the Institution Decisions for ***all asserted patents*** as Exhibit A.

In light of these developments, Samsung now renews its Motion To Stay the above-captioned litigation until the conclusion of IPR by the Patent Trial and Appeal Board relating to all asserted patents in this case: U.S. Patent Nos. 10,860,506, 10,949,339, 11,016,918, 11,232,054, 8,787,060, and 9,318,160 (the “Asserted Patents,” Dkt. 23 at Exhibits 1-6).¹

Date: April 12, 2023

Respectfully submitted,

/s/ Lauren A. Degnan

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¹ Netlist no longer intends to assert U.S. Patent No. 10,860,506 at trial. Dkt. No. 431.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was filed electronically in compliance with Local Rule CV-5 on April 12, 2023. As of this date, all counsel of record have consented to electronic service and are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a)(3)(A).

/s/ Lauren A. Degnan _____

CERTIFICATE OF CONFERENCE

Pursuant to Local Rules CV-7(h) and (i), counsel for the parties met and conferred telephonically on April 12, 2023. Jennifer Truelove attended for Plaintiff. Melissa Smith attended for Defendants. The parties discussed their positions on this motion. The discussions conclusively ended in an impasse, leaving an open issue for the court to resolve. Counsel for Plaintiff indicated that they oppose this motion.

/s/ Lauren A. Degnan _____